



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

*Note: There is one Extraordinary issue to the Official Gazette Series. I No. 16 dated 20-7-2006 namely, Extraordinary dated 20-7-2006 from pages 237 to 252 regarding Bill from Department of Goa Legislature Secretariat.*

### GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

#### Notification

10/7/2005-LA

The Bio-Medical Waste (Management and Handling) (Amendment) Rules, 2003, published in the Gazette of India, Extraordinary, Part II, Section 3 - sub-section (ii), vide Notification number S. O. 1069 (E) dated 17-9-2003, of the Ministry of Environment and Forests, Government of India, are hereby published for general information of the public.

*Sharad G. Marathe*, Joint Secretary (Law).

Panaji, 17th July, 2006.

Ministry of Environment and Forests

#### Notification

*New Delhi, the 17th September, 2003*

S. O. 1069(E).— In exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules further to amend the Bio-Medical Waste (Management and Handling) Rules, 1998, namely:—

1. (1) These rules may be called the Bio-Medical Waste (Management and Handling) (Amendment) Rules, 2003.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 7 of the Bio-Medical Waste (Management and Handling) Rules, 1998 (hereinafter referred to as the said rules),—

(a) in sub-rule (1), for the opening words "The prescribed authority for enforcement", the words "Save as otherwise provide, the prescribed authority for enforcement" shall be substituted;

(b) after sub-rule (1), the following sub-rule shall be inserted, namely:—

"(1A). The prescribed authority for enforcement of the provisions of these rules in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, Animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence shall be the Director General, Armed Forces Medical Services."

3. In the said rules, existing rule 9 shall be re-numbered as sub-rule (1) thereof, and after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

"(2) Notwithstanding anything contained in sub-rule (1), the Ministry of Defence shall constitute in that Ministry, an Advisory Committee consisting of the following in respect of all health care establishments including hospitals, nursing homes, clinics, dispensaries, veterinary institutions, animal houses, pathological laboratories and blood banks of the Armed Forces under the Ministry of Defence, to advise the Director General, Armed Forces Medical Services and the Ministry of Defence in matters relating to implementation of these rules, namely:—

(1) Additional Director General,  
Armed Forces Medical Services ...Chairman

(2) A representative of the Ministry of Defence not below the rank of Deputy Secretary, to be nominated by that Ministry ...Member

(3) A representative of the Ministry of Environment and Forests not below the rank of Deputy Secretary to be nominated by that Ministry ...Member

(4) A representative of the Indian Society of Hospitals Waste Management, Pune ...Member"

4. In the said rules, after rule 9, the following rule shall be inserted, namely:—

*"9A. Monitoring of implementation of the rules in Armed Forces Health Care Establishments.—*

(1) The Central Pollution Control Board shall monitor the implementation of these rules in respect of all the Armed Forces health care establishments under the Ministry of Defence.

(2) After giving prior notice to the Director General, Armed Forces Medical Services, the Central Pollution Control Board along with one or more representatives of the Advisory Committee constituted under sub-rule (2) of rule 9 may, if it considers it necessary, inspect any Armed Forces health care establishments."

5. In the said rules, existing rule 13 shall be re-numbered as sub-rule (1) thereof; and—

(a) in sub-rule (1), as so re-numbered, for the opening portion, for the words "Any person", the words, brackets and figure ("Save as otherwise provided in sub-rule (2), any person") shall be substituted;

(b) after sub-rule (1) as so re-numbered, the following sub-rule shall be inserted, namely:—

*"(2) Any person aggrieved by an order of the Director General, Armed Forces Medical Services under these rules may, within thirty days from the date on which the order is communicated to him prefer an appeal to the Central Government in the Ministry of Environment and Forests."*

[F. No. 23-2/96-HSMD]

Dr. V. RAJAGOPALAN, Jt. Secy.

**Note:** The principal rules were published in the Gazette of India vide notification number S. O. 630 (E) dated 20-7-98 and subsequently amended *vide*-(1) S. O. 201 (E) dated 6-3-2000; and (2) S. O. 545 (E) dated 2-6-2000.

## Goa Legislature Secretariat

LA/A/BILLS/1192/2006

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 19-7-2006 is hereby published for the general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Goa Public Health (Amendment) Bill, 2006

(BILL No. 17 of 2006)

A

BILL

*further to amend the Goa, Daman and Diu Public Health Act, 1985.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Amendment) Act, 2006.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the "principal Act"), in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

*"(cc) Director of Panchayats;"*.

3. *Amendment of section 29.*— In section 29 of the principal Act, in sub-section (1), for the words "No person", the expression "No person, including Government Department, Semi-Government Organization, Government Company and Statutory or non-Statutory Corporation", shall be substituted.

4. *Amendment of section 40.*— In section 40 of the principal Act,

(i) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4-A) Notwithstanding anything contained in sub-section (5), if any person, whether owner or occupier of any premises, to whom a notice is issued by the Health Officer under sub-section (1), fails to comply with the directions given therein within the specified period or within the extended period, as the case may be, and the nuisance is caused due to improper drainage or due to overflowing of septic tanks, etc., the owner or occupier of the premises shall be liable to pay a fine of rupees five hundred per day till such time the nuisance is abated or the occurrence thereof is stopped”.

(ii) in sub-section (5), after the first proviso, the following proviso shall be inserted, namely:—

“Provided further that the Health Officer, after giving due notice to the defaulter, may request the Electricity Department or the Public Works Department, as the case may be, to disconnect the electricity or water supply to the premises or place in respect of which the nuisance arose or continues and the Electricity Department or the Public Works Department to whom such request is made shall forthwith disconnect said supply and such disconnection shall continue till the nuisance is removed to the entire satisfaction of the Health Officer”.

5. *Amendment of section 75 AA.*— Existing provision of section 75AA of the principal Act shall be numbered as sub-section (1) thereof and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) In the event of the contravention of the provision of section 75A of the Act continuing beyond a period of seven days from the date of imposition of daily fine of Rs. 50/- under sub-section (1), the Health Officer shall request the concerned local authority to suspend or cancel the construction licence issued to the contractor till such time the contravention continues and the concerned local authority shall act accordingly”.

6. *Amendment of section 94A.*— In section 94A of the principle Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The authorities, as specified in sub-section (2) above, any authorities, local bodies, statutory functionaries, or any other functionaries discharging public functions shall, before the grant, supply of potable water,

electricity, or other essential services to any house, structure, hut or factory, etc, verify and ensure that such house, structure, hut, or factory as the case may be, has been granted construction licence under the provisions of the relevant law for the time being in force”.

(i) in sub-section (3), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided that before making order for grant or supply of potable water, electricity or other essential services, the authority making such order shall ensure that the occupier of the premises has complied with the safety and sanitary measures to the satisfaction of such authority.”.

#### STATEMENT OF OBJECTS AND REASONS

It is proposed to amend section 3 (1) of the Goa, Daman & Diu Public Health Act, 1985 so as to include the Director of Panchayats as a member to the Public Health Board, as all the Village Panchayats are under Directorate of Panchayats as his directions to the Village Panchayat Secretary to deal with health problems is essential.

Sub-section (1) of section 29 of the Act 1985 is proposed to be amended so as to make it clear that Government Department, Semi-Government Organization, Government Company and Statutory and non-Statutory Corporation shall also to be required to obtain prior permission of the Health Officer or the Medical Officer for the purpose of construction of any building, house, cess pool and any other structure.

Section 40 of the Act is proposed to be amended to provide a new sub-section (4-A) after sub-section (4) so as to empower the Health Officer, in addition to other powers conferred on him in terms of section 40 thereof, wherein the Health Officer can levy a fine of Rs. 500/- per day, on any person, whether owner or occupier of any premises, to whom a notice is issued by him under sub-section (1), fails to comply with the directions, given therein, within the specified period or within the extended period, as the case may be, and the nuisance is caused due to improper drainage or due to over flowing of septic tank, etc., till such time the nuisance is abated or the occurrence thereof is stopped. Section 40 of the Act is further proposed to be amended to provide the second proviso to sub-section (5) of the said section 40, so as to empower the Health Officer to request the

Electricity Department or the Public Works Department to disconnect the electricity or water supply in case where the nuisance is not removed in compliance with the notice issued under sub-section (1) of section 40.

Section 75 AA of the Act 1985 is proposed to be amended so as to empower the Health Officer to request to concerned local authority to suspend or cancel the construction licence issued to the contractor till such time, the contravention continues, as provided under section 75 AA.

Section 94A of the Act is proposed to be amended by inserting a new sub-section (2A) therein so as to provide that the authority making an order for grant or supply of potable water, electricity or other essential services to any house, structure, hut or factory, etc., shall, before such grant or supply, verify and ensure that such house, structure, hut, factory, as the case may be has been granted construction licence under the provisions of the relevant law for the time being in force.

Sub-section (3) of the section 94 A is proposed to be amended by inserting the proviso to provide that the authority making an order for grant of supply of potable water, electricity or other essential services shall ensure that the safety and sanitary measures are complied with the satisfaction of such authority before making such orders.

This bill seeks to achieve the above objectives.

#### **Financial Memorandum**

Due to above amendments no additional financial implications are involved.

#### **Memorandum Regarding Delegated Legislation**

No delegated legislation is involved in this Bill.

This delegation is of normal character.

Assembly Hall, SHRI DAYANAND NARVEKAR,  
Porvorim-Goa. Minister for Health

Dated:- 10-7-2006.

Assembly Hall, SHRI T. N. DHURVA KUMAR,  
Porvorim -Goa. Secretary (Legislature)

Dated:- 10-7-2006.

(Annexure to Bill No. 17 of 2006)

.....  
The Goa, Daman and Diu Public Health Act, 1985  
(Act 25 of 1985)  
.....

Section 3:— *Constitution of Public Health Board.*— (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the Union territory of Goa, Daman and Diu, a Public Health Board consisting of the following members, namely:—

- (a) the Minister for Public Health;
- (b) the Director of Health Services;
- (c) Director of Municipal Administration;
- (d) Collector;
- (e) Chief Town Planner;
- (f) Three persons having special knowledge of matters relating to public health or public engineering.

*Section 29.— Establishment of commercial, industry and other establishments and constructions.*— (1) No person shall construct any building, house, cess pool and any other structure unless prior permission to that effect is obtained from the Health Officer or the Medical Officer charge of the respective Health Centre, at the time of starting such construction and also at the time of actually occupying such constructed premises.

(2) No commercial or industrial establishment, warehouses, storehouses, factories, workshops or any other establishments of any kind, shall be established, without obtaining the prior permission from the Director.

(3) All such permissions issued shall be subject to the payment of such fees as may be notified by the Government from time to time.

*Section 40.— Power of Health Officer to abate nuisance.*— (1) If Health Officer is satisfied whether upon information received under section 39 or otherwise, of the existence of a nuisance, he shall be duty bound to issue a notice within a period of seven days from the date of receipt of such information or date of knowledge of the existence of such nuisance, as the case may be, requiring the person who is responsible for such nuisance or by whose Act default or sufferance or thing the nuisance arises or continues, and/or if that person cannot be found, the owner or occupier of the premises in respect of which the nuisance arises or continues to abate the nuisance and to execute such works and takes such steps as may be necessary for that purpose, within a period as may be fixed in the notice, not exceeding sixty days in any case:

Provided that, the Health Officer, for reasons to be recorded in writing, and upon the application in writing by such person to whom such notice is issued, may extend the period specified in such notice, by a further period of fifteen days, in the facts and circumstances of the case.

(2) The officer-in-charge of the Police Station of the area concerned shall be duty bound and responsible, when called upon by the concerned Health Officer or such other officer as authorized by the Directorate of Health Services, to provide necessary police protection for removal and/or to ensure removal of such nuisance and shall also provide all possible assistance for removal of such nuisance. The officer-in-charge of the police station, shall be answerable and responsible for non-compliance of the requisition made by the Health Officer or by such other person as specified in this sub-section.

(3) The directions as contained in the notice under sub-section (1) shall have effect, notwithstanding anything contained in any other law for the time being in force or any custom or usage or decree or order of a Court, or any agreement or contract, express or implied, as far as they are not in consistent with the provisions of this section.

(4) The issuance of the notice under sub-section (1) to a person, as an occupier of any premises, shall not create any legal right, title or interest in such person, in respect of such premises, if such person is not the owner of such premises as the notice issued is only for creating the liability of abatement of nuisance or execution of any work or to take such steps as may be directed under sub-section (1).

(5) If any person, owner or occupier of any premises, to whom a notice is issued by the Health Officer under sub-section (1), fails to comply with the directions given therein within the specified period or within the extended period, as the case may be, the Health Officer shall himself execute any work or take such steps, which he may consider necessary, to abate, the nuisance and to prevent the recurrence thereof:

Provided that, any expenses incurred or loss suffered on account of execution of any work or steps taken by the Health Officer, for abatement of nuisance under this sub-section, shall be recovered from the person to whom the notice under sub-section (1) was issued, as arrears of land revenue.

(6) The failure to comply with the directions contained in the notice issued under sub-section (1) shall be cognizable offence punishable with simple imprisonment for a term which may extend to 30 days or with fine which may extend to Rs. 5000/-, or with both:

Provided that the said offence may be compounded by the Health Officer, if the offender agrees to pay a fine of Rs. 3,500/-.

(7) In case of any nuisance arising in respect of the premises belonging to the Government, the officer-in-charge of the said premises or Head of office, as the case may be, shall be liable personally to be issued a notice under sub-section (1) as also for the penalty specified in sub-section (6):

Provided that if the Health Officer himself is the office-in-charge of such premises or Head of office, the provisions of sub-section (1) shall not be applicable to him although he shall be duty bound and liable to abate the nuisance within a period of eight days from the date of knowledge of the existence of nuisance.

(8) If the Health Officer, after receiving the information of any nuisance, either under section 39 or upon his own knowledge, intentionally or deliberately, fails or neglects, to take any action as provided for, in sub-section (1), (5) or (7) as the case may be, within the period specified thereto, he shall be liable for payment of fine at the rate of at least Rs. 50/- per day and which may extend to Rs. 5000/-, upon conviction by the Judicial Magistrate First Class, after a complaint at that regard is filed by any person aggrieved by a nuisance."

**75AA. Penalty for offence under section 75A.**— Whoever contravenes the provisions of section 75A of the Act, shall be punishable with fine of Rs. 1000/- per person each time and when the offence is continuing one, with a daily fine not exceeding Rs. 50/- during the period of the continuance of the offence."

**94A. Power of Government to issue directions.**— (1) Notwithstanding anything contained in any provisions of this Act, or in any rules, regulations, notifications, orders or in any decree or judgement of any Court, or in any law for the time being in force, the Government may, in appropriate cases, by order, direct any authorities, local bodies, statutory functionaries, or any other functionaries discharging public functions.—

(a) to grant, supply, provide and ensure supply of potable water, electricity, or such other essential services, so declared by the Government under the Goa Essential Services Maintenance Act, 1988 (Act 20 of 1989) or under any other law for the time being in force, to any person, house, structure, hut, factory, area, locality;

(b) to remove forthwith or within such period as the Government may specify in the order, any filth, nuisance, offensive trade or matter, sewage, or any object causing or likely to cause any disturbance to human senses or to public health, from any land or portion thereof, house, hut, structure, locality, river front, riverine, land, port area, seabed, sea, river or nullah, anywhere in the State.

(2) The Government may empower any of the following authorities, by a special or general order, to perform its functions under sub-section (1), namely:—

- (a) Health Officer of the concerned area;
- (b) Chief Officer of a Municipal Council or the Commissioner of a Corporation, as the case may be;
- (c) Director of Health Services;
- (d) Collector of the District;
- (e) Secretary to the Government, dealing with Public Health Department.

(3) Upon the issuance of an order under sub-section (1) or sub-section (2) by the Government, every authority, local body, statutory functionary or other functionaries and every person thereof referred to in sub-section (1) or sub-section (2), shall be bound to comply with the same and provide and facilitate the provision of potable water, electricity or any other essential services, as the case may be, and for this purpose, every authority, local body, statutory functionaries or other functionaries and every person thereof, referred to in sub-section (1) or sub-section (2), shall have all powers to lay necessary lines, cables, pipes, poles, pipelines, and to provide necessary infrastructure, subject to the provisions of sub-section (4) hereof:

Provided that if any order issued by an authority empowered under sub-section (2) in respect of nuisance referred to in clause (b) of sub-section (1) has not been complied with within the stipulated period, then the authority empowered under sub-section (2) may order any statutory person or body to comply with such order within such further time as may be specified in the order and recover the cost incurred in removing such nuisance from the person responsible for such nuisance as an arrears of land revenue under the law for the time being in force.

(4) (a) In the event of any private right being affected or dispute having arisen, or any person, owner or occupier being entitled to any owner or occupier being entitled to any compensation, either under the Electricity Act, 2003 (Central Act 36 of 2003), the Land Acquisition Act, 1894 (Central Act 1 of 1894) or any other law for the time being in force, rights of such person to determine, claim and receive such compensation shall remain unaffected.

(b) In the event of any dispute as regards land, building, apportionment, encroachment, including legality or illegality of structure or occupation of any structure by any person or any question related or incidental thereto, such dispute, lis, proceedings, right, privilege shall remain unaffected and shall not prejudice any person in any way whatsoever.

(c) Providing water supply connection, electricity supply connection or any other essential service, shall not in any way be taken to have regularised, validated, or legalized any such structure, premises, house, hut, area or occupation of or by any such person, as an order under sub-section (1) is relatable to all matters of health only.

Assembly Hall,  
Porvorim-Goa.  
10th July, 2006.

T. N. Dhruva Kumar  
Secretary to the Legislative  
Assembly of Goa.

LA/A/BILLS/1193/2006

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 19-7-2006 is hereby published for the general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

THE GOA SCHOOL EDUCATION  
(AMENDMENT) BILL, 2006

(Bill No. 18 of 2006)

A

BILL

*further to amend the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985).*

BE it enacted by the Legislative Assembly of Goa in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa School Education (Amendment) Act, 2006.

(2) It shall come into force at once.

2. *Amendment of section 4.*— In section 4 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985),—

(a) in sub-section (5),—

(i) in the first proviso, the expression “in ‘A’ class Municipal areas,” shall be omitted;

(ii) in the second proviso, the following words shall be inserted at the end, namely:—

“The permission to establish such school may be granted by the Director after hearing all objections received on the proposal to establish such school.”,

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Notwithstanding anything contained in this section, any permission to establish a new school, which has been provisionally granted

before the commencement of the Goa School Education (Amendment) Act, 2006, may be approved subject to the condition that such school fulfills other infrastructural requirements as specified under the Goa, Daman and Diu School Education Rules, 1986, to the satisfaction of the Director. Such school shall not be entitled for any type of Government grant, irrespective of its medium of instruction."

### Statement of Objects and Reasons

As per the provisions of the Goa Compulsory Elementary Education Act, 1995 (Act 4 of 1996), elementary education is compulsory for every child of a school age. The State Government is duty bound to ensure development of school education in the State.

In terms of the provisions of sub-section (5) of section 4 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985) (hereinafter referred to as the "said Act"), new primary school, high school and higher secondary school shall be established only if there is no primary school within a radius of 1 km. from the proposed primary school, no high school within a radius of 3 kms. from the proposed high school and no higher secondary school within a radius of 8 kms. from the proposed higher secondary school.

In order to provide for establishment of such category of unaided schools within the said area, it is proposed to amend sub-section (5) of section 4 of the said Act, suitably.

It is also proposed to insert new sub-section (6) in said section 4 of the said Act so as to make provision for approving any permission which has been provisionally granted to establish a new school before the commencement of the Goa School Education (Amendment) Act, 2006. Such unaided schools shall fulfill all infrastructural requirements as specified under the Goa, Daman and Diu School Education Rules, 1986, to the satisfaction of the Director and shall not be entitled for any type of Government grant, irrespective of their medium of instruction.

This Bill seeks to achieve the above objects.

### Financial Memorandum

There are no direct financial implications involved in this Bill as the schools to be opened will remain as unaided school.

### Memorandum regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Panaji-Goa.  
July, 2006.

Luizinho Faleiro  
Minister for Education

Assembly Hall,  
Porvorim – Goa  
July, 2006.

T. N. Dhruva Kumar  
Secretary to the Legislative  
Assembly of Goa.

(Annexure to Bill No. 18 of 2006)

### The Goa School Education (Amendment) Bill, 2006

.....  
The Goa, Daman and Diu School Education Act, 1984  
(Act 15 of 1985)  
.....

*Section 4.*— In section 4 of the Principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

(5) Notwithstanding anything contained in any law, rules, regulations, decree, order or judgment of any Court, new schools shall be permitted to be established in any part of the State of Goa, if,

(a) in the case of a primary school, no school is functioning within a radius of 1 km. from the proposed school;

(b) in the case of High School, no school of that category is functioning within a radius of 3 kms. from the proposed school;

(c) In the case of higher secondary school, no school of that category is functioning within a radius of 8 kms. from the proposed school:

Provided that in 'A' class Municipal areas, the restriction as regards distance shall not apply to any category of unaided schools, subject to the condition that such schools fulfill other infrastructural requirements as specified under the Goa, Daman and Diu School Education Rules, 1986, to the satisfaction of the Director and shall not be entitled for any type of Government grant irrespective of their medium of instruction:

Provided further that the establishment of any category of unaided residential school in any part of the State of Goa, the restriction as regards distance shall not apply and such schools shall have to provide all required infrastructural facilities to the satisfaction of the Director. Further such schools shall not be entitled for any type of Government grant irrespective of their medium of instruction.

Assembly Hall,  
Porvorim – Goa.  
July, 2006.

T. N. Dhruva Kumar  
Secretary to the Legislative  
Assembly of Goa.

LA/A/BILLS/1194/2006

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 19-7-2006 is hereby published for the general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

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**The Indian Stamp (Goa Amendment)  
Bill, 2006**

(Bill No. 20 of 2006)

**A**

**BILL**

*further to amend the Indian Stamp Act, 1899  
(Central Act 2 of 1899), as in force in the State  
of Goa.*

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Indian Stamp (Goa Amendment) Act, 2006.

(2) It shall be deemed to have come into force with effect from the 10<sup>th</sup> day of May, 2006.

2. *Amendment of Schedule I-A.*— In Schedule I-A to the Indian Stamp Act, 1899 (Central Act 2 of 1899), as in force in the State of Goa, in article 5, after clause (b), the following clause shall be inserted, namely:—

“(bb) if relating to an agreement for the sale of an immovable property. Rupees 100/- for property valued upto Rs. 1 lakh or part thereof and for property valued in excess of Rs. 1 lakh upto Rs. 5 lakhs, Rs. 500/- per lakh or part thereof and for property valued in excess of Rs. 5 lakhs, Rs. 1,000/- per lakh or part thereof”.

3. *Repeal and saving.*— (1) The Indian Stamp (Goa Amendment) Ordinance, 2006 (Ordinance No. 4 of 2006), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance

shall be deemed to have been done or taken under this Act, as if this Act was in force on the day on which such thing or action was done or taken.

**Statement of Objects and Reasons**

The Government of Goa reduced the rate of stamp duty chargeable on instrument for the sale of immovable property from 4% to 2%. The reduction of said rate of stamp duty has resulted in reduction of revenue on account of the stamp duty. Therefore, in order to compensate the loss in revenue, it is proposed to charge the Stamp duty on agreement for the sale of immovable property on advalorem basis. The Bill seeks to amend the Schedule I-A appended to the Indian Stamp Act, 1899 (Central Act 2 of 1899), as in force in the State of Goa, for the aforesaid purpose. The Bill also seeks to replace the Indian Stamp (Goa Amendment) Ordinance, 2006 (Ordinance No. 4 of 2006), promulgated by the Governor of Goa, on 10th Day of May, 2006.

This Bill seeks to achieve the above objects.

**Financial Memorandum**

The proposal is expected to result in a net increase in revenue on account of sale of stamps and registration fees to the tune of Rs.645.67 lakhs.

**Memorandum Regarding Delegated  
Legislation**

No delegated Legislation is envisaged in this Bill.

Assembly Hall,  
Porvorim, Goa.  
17th July, 2006.

PRATAPSINGH R. RANE  
Minister for Revenue

Assembly Hall,  
Porvorim, Goa.  
17th July, 2006.

T. N. DHRUVA KUMAR  
Secretary (Legislature)

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**Governor's Recommendation  
under Article 207 of the Constitution**

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, the Governor of Goa, hereby recommend to the Legislative Assembly of Goa, the introduction and consideration of the Indian Stamp (Goa Amendment) Bill, 2006.



## ANNEXURE

**Extract of Schedule I-A of the Indian Stamp  
(Goa Amendment) Act, 1899**

**5. AGREEMENT OR MEMORANDUM OF AN AGREEMENT—**

- |   |  |
|---|--|
| (a) if relating to the sale of Bill of exchange.  | Fifteen rupees   |
| (b) If relating to the sale "of" Government security or share in an incorporated company or other body corporate. | Subject to maximum of fifteen rupees twenty paise for every rupees 10,000 or part thereof of the value of the Security or share. |
| (c) If not otherwise provided for Exemptions  | Ten rupees   |

**Agreement or memorandum of agreement—**

- (a) For or relating to the sale of goods or merchandise exclusively not being a NOTE or MEMORANDUM chargeable under No. 42
- (b) Made in the form of tenders to the Central Government for or relating to any loan.

Assembly Hall,  
Porvorim – Goa.  
17th July, 2006.

T. N. Dhruva Kumar  
Secretary to the Legislative.

LA/A/BILLS/1195/2006

The following Bill which was introduced in the Legislative Assembly of the State of Goa on 19-7-2006 is hereby published for the general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

**The Goa Members of Legislative Assembly  
(Removal of Disqualification) (Amendment)  
Bill, 2006**

(Bill No. 16 of 2006)

A

BILL

*to amend the Goa Members of Legislative Assembly (Removal of Disqualification) Act, 2005 (Goa Act 13 of 2005).*

BE it enacted by the Legislative Assembly of the State of Goa in the Fifty-seventh Year of the Republic of India, as follows:-

**1. Short title and commencement.**— (1) This Act may be called the Goa Members of Legislative Assembly (Removal of Disqualification) (Amendment) Act, 2006.

(2) It shall be deemed to have come into force on the 15th day of May, 2006.

**2. Amendment of Schedule.**— In the Schedule appended to the Goa Members of Legislative Assembly (Removal of Disqualification) Act, 2005 (Goa Act 13 of 2005),—

(i) against serial number 24, for the expression "The office of the Chairman of the Kala Academy, Goa", the expression "The office of the Chairman and Vice-Chairman of the Kala Academy, Goa" shall be substituted;

(ii) the existing entry at serial number "28" shall be re-numbered as "32" and in the Explanation thereto, for the figure "28", the figure "32" shall be substituted;

(iii) after existing entry at serial number 27, the following entries shall be inserted, namely:—

"28. The office of Chairman, Vice-Chairman and members of the Entertainment Society of Goa;

29. The office of Chairman of the State Urban Development Agency;

30. The office of Chairman of the Goa Tillari Irrigation Development Corporation;

31. The office of Chairman and Vice-Chairman of the Goa Rehabilitation Board;".

**3. Repeal and saving.**— (1) The Goa Members of Legislative Assembly (Removal of Disqualification) (Amendment) Ordinance, 2006 (Ordinance No. 3 of 2006) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under

this Act, as if this Act was in force on the day on which such thing or action was done or taken.

### Statement of Objects and Reasons

The Goa Members of Legislative Assembly (Removal of Disqualification) Act, 2005 (Goa Act 13 of 2005), provides for the removal of certain disqualifications for being chosen as, and for being, a member of the Legislative Assembly of the State of Goa. Section 2 of the said Act, 2005, states that a person shall not be disqualified for being chosen as or for being, a member of the Legislative Assembly of the State of Goa merely by reason of the fact that he holds any of the offices specified in the Schedule appended to the said Act, 2005.

The offices of Vice-Chairman of the Kala Academy, Chairman, Vice-Chairman and members of the Entertainment Society of Goa, Chairman of the State Urban Development Agency and Chairman of the Goa Tillari Irrigation Development Corporation were not specified in the Schedule appended to the said Act, 2005. The Goa Members of Legislative Assembly (Removal of Disqualification) (Amendment) Ordinance, 2006 (Ordinance No. 3 of 2006) was promulgated by the Governor of Goa on 15-05-2006 for the purpose of specifying the said offices in the Schedule to the said Act, 2005. This Bill seeks to replace the said Ordinance and also seeks to specify the office of Chairman and Vice-Chairman of the Goa Rehabilitation Board in the Schedule to the said Act, 2005.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa  
12th July, 2006

DAYANAND G. NARVEKAR  
Minister for Legislative Affairs

Assembly Hall,  
Porvorim-Goa  
12th July, 2006

T. N. DHRUVA KUMAR  
Secretary to the Legislative  
Assembly of Goa.

### ANNEXURE

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**Extract of the Schedule to the Goa Members of  
Legislative Assembly (Removal of Disqualification)  
Act, 2005  
(Goa Act 13 of 2005)**  
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### SCHEDULE

1. The office of a member of a Home Guard constituted under any law for the time being in force in any State;
2. Any office in connection with the affairs of the Goa University or any committee, council or body connected with the Goa University;
3. The office of Chairman, Economic Development Corporation Limited, Goa;
4. The office of Chairman, Kadamba Transport Corporation Limited;
5. The office of Chairman, Goa Housing Board;
6. The office of Chairman, Goa Tourism Development Corporation Limited;
7. The office of Chairman, Goa Handicrafts, Rural and Small Scale Industries Development Corporation Limited;
8. The office of Chairman, Goa Industrial Development Corporation;
9. The office of the Chairman and Vice-Chairman of the Goa State Infrastructure Development Corporation Limited;
10. The office of the Chairman and Vice-Chairman of the Goa State Planning Board;
11. The office of the Chairman of the Goa Khadi and Village Industries Board;
12. The office of the Chairman of the Goa State Scheduled Castes and Other Backward Classes Finance and Development Corporation Limited;
13. The office of the Chairman of the Goa State Horticultural Corporation Limited;
14. The office of the Chairman of the Goa Forest Development Corporation Limited;
15. The office of the Chairman of the Goa State Scheduled Tribes Finance and Development Corporation Limited;
16. The office of a Parliamentary Secretary;
17. The office of the Chairman of Bal Bhavan, Goa;
18. The office of the Chairman of the Goa State Social Welfare Board;
19. The office of the Chairperson of the Goa State Commission for Women;
20. The office of the Chairman of the Goa Meat Complex;
21. The office of the Chairman of the Goa Sewerage Corporation;
22. The office of the Chairman of the Goa State Commission for Backward Classes;
23. The office of the Chairman of the Infotech Corporation of Goa Limited;
24. The office of the Chairman of the Kala Academy, Goa;

25. The office of the Chairman of the Rajiv Kala Mandir, Ponda;
26. The office of the Chairman of the Planning and Development Authorities, Goa;
27. The office of the President and Vice-President of the Sports Authority of Goa;
28. The office of Chairman, Director or member of any other statutory or non-statutory body or committee or corporation constituted by the Government of Goa.

*Explanation.*— For the purpose of the entry at serial number 28,—

- (i) “statutory body” means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;
- (ii) “non-statutory body” means any body of persons other than a statutory body.

Assembly Hall, T. N. DHURVA KUMAR  
Porvorim-Goa. Secretary to the Legislative  
12th July, 2006. Assembly of Goa.

#### LA/A/BILLS/1202/2006

Report of the Select Committee on Bill No. 6 of 2006 - The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Bill, 2006 which was presented to the Legislative Assembly of the State of Goa on 20th July, 2006 is hereby published for the general information in pursuance of the provisions of Rule-231 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

#### Bill No. 6 of 2006

A

#### BILL

Further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.

#### COMPOSITION OF THE SELECT COMMITTEE

##### CHAIRMAN

1. Shri Pratapsingh R. Rane Hon. Chief Minister

##### MEMBERS

2. Shri Dayanand G. Narvekar Hon. Law Minister
3. Shri Manohar G. Parrikar Hon. Leader of Opposition
4. Shri Aleixo Sequeira M. L. A.

5. Shri Giovanni Karl Vaz M. L. A.
6. Shri Ramrao G. Desai M. L. A.
7. Shri Francis P D'Souza M. L. A.

#### LEGISLATURE SECRETARIAT

1. Shri T. N. Dhruva Kumar Secretary
2. Shri N. B. Subhedar Under Secretary
3. Shri Yuvaraj Naik Section Officer

#### INTRODUCTION

I, the Chairman of the Select Committee on the Bill No. 6 of 2006— The Goa Legislative Diploma No. 2070 Dated 15-4-1961 (Amendment) Bill, 2006 having been authorised by the Committee to present this Report on its behalf, to the House.

2. The Committee was constituted on 23 March, 2006 with seven (7) Members nominated by the Hon'ble Speaker under the provision contained in Rule 223 of the Rules of Procedure and Conduct of Business of Goa Legislative Assembly.

3. The Committee held altogether four sittings.

4. The Committee expresses its appreciation for the services of the Officers and staff of Goa Legislature Secretariat who assisted the Committee to finalize and submit this Report.

5. The Report was adopted by the Committee in its meeting held on 19th July, 2006.

Assembly Hall, PRATAP Singh R. RANE  
Porvorim-Goa. Chairman

Dated: 19th July, 2006.

#### REPORT OF THE COMMITTEE

I, the Chairman of the Select Committee to which Bill No. 6 of 2006— The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Bill, 2006 was referred having been authorized by the Committee to submit the report on its behalf present the report with the recommendations as mentioned below:

The Bill was introduced in the Legislative Assembly of Goa on 20th March, 2006 and was referred to the Select Committee on 23rd March, 2006.

The Committee held four sittings i. e. on 28th April, 2006, 9th May, 2006, 7th July, 2006 & 19th July, 2006 to examine the Bill in detail.

The Committee after holding the discussion in detail decided to recommend the Government to scrap the Bill and instead to bring a fresh amendment to the Bill in the current session.

The Committee also recommended that in the new legislation the Government should incorporate the following:

“the Government with the prior consent of the concerned Communitade can grant on lease, land admeasuring upto 2 lakhs sq. mts. to any non polluting industry, educational or health institution or any charitable or social trust or society or any such similar social institution of public utility engaged in the field of education, health, duly recognized by the Government for the purpose of any scheme without auction,

Provided that such utilization is done within time limit of 5 years failing which land will be reverted back to the Communitade.

Provided that such decision will be referred and approved by the cabinet.”

The Report was considered and adopted by the Committee in its meeting held on 19th July, 2006.

Assembly Hall, PRATAPSINGH R. RANE  
Porvorim-Goa. Chief Minister

Dated: 19th July, 2006. Chairman  
Select Committee on the  
Goa Legislative Diploma  
No. 2070 dt. 15-4-1961  
(Amendment) Bill, 2006.

### The Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Bill, 2006

(Bill No. 6 of 2006)

A

BILL

*further to amend the Legislative Diploma No. 2070 dated 15-4-1961, in its application to the State of Goa.*

BE it enacted by the Legislative Assembly of Goa in the Fifty seventh year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Legislative Diploma No. 2070 dated 15-4-1961 (Amendment) Act, 2006.

(2) It shall come into force at once.

2. *Insertion of new article 334-B.*— After article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961, the following article shall be inserted, namely:—

“334-B.— Notwithstanding anything contained in articles 334 and 334-A, but subject to article 327, any Government Department or Local Authority or Statutory Corporation or Government Company may be granted Communitade land lease, without auction”.

### Statement of Objects and Reasons

Article 334-A of the Legislative Diploma No. 2070 dated 15-4-1961 provides for grant of Communitade land on lease for various categories and for various purposes as specified therein subject to certain restrictions as regards the area of land that may be granted on lease as aforesaid.

Various projects and schemes of the Government are to be implemented and for which purpose large area of land is required. However, the restriction as regards the area of land to be granted proves to be a hindrance in the implementation of the various schemes, projects of the Government.

It is, therefore, proposed to suitably amend the said Legislative Diploma No. 2070 dated 15-4-1961 by inserting new article 334-B therein so as to provide for grant of Communitade land on lease without auction and without any restriction as regards the area, to the Government Departments or Local authority or statutory Corporation or Government Company.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill as no expenditure will be incurred by the Government. On the contrary, the Communitade will be earning revenue by way of lease rent, etc. However, any expenditure that may be incurred by a Government Department towards payment of lease rent etc. to the Communitade cannot be quantified at this stage.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa  
9th March, 2006

PRATAPSINGH RAOJI RANE  
Chief Minister

Assembly Hall,  
Porvorim-Goa  
9th March, 2006

T. N. DHURVA KUMAR  
Secretary, Legislative